



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, March 18, 2013

A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy C. Drzyzgula, Henry F. Marraffa, Michael A. Sesma, Ryan Spiegel. Staff present: City Manager Tony Tomasello, City Attorney Lynn Board, Economic Development Director Thomas Loneragan, Director of Finance and Administration Harold Belton, Community Services Division Chief Maureen Herndon, Municipal Clerk Doris Stokes.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Principal Kathy Rupp, Fields Road Elementary School, Gaithersburg, Maryland.

III. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

IV. APPROVAL OF MINUTES

A. Planning Retreat Session Held February 25, 2013

Motion was made by Jud Ashman, seconded by Michael A. Sesma planning retreat session held February 25, 2013, be approved.

Vote: 5-0

B. Regular Meeting Held March 4, 2013

Motion was made by Henry F. Marraffa, Jr., seconded by Cathy C. of the regular meeting held March 4, 2013, be approved.

Vote: 4-0-1 (Member abstained: Michael Sesma)

V. APPOINTMENTS**A. Resolution of the City Council Confirming Reappointments to the Arts and Monuments Funding Corporation, Cultural Arts Advisory Board, Environmental Affairs Committee and Gaithersburg Book Festival Ad Hoc Committee**

This resolution confirmed the following reappointments: Arts and Monuments Funding Corporation, J. Persensky, 116 Summit Hall Road, 20877, two-year term; Cultural Arts Advisory Board, J. Persensky, 116 Summit Hall Road, 20877, two-year term; Environmental Affairs Committee, Luis Gonzalez, 315 N. Summit Avenue, Apt. 2A, 20877, two-year term; and the Gaithersburg Book Festival Ad Hoc Committee, Jo Ellen Juney, 9 Chestnut Street, #417, 20877 and Laura Rowles, 13900 Wanegarden Drive, Germantown, Maryland 20874, indefinite terms.

Motion was made by Jud Ashman, seconded by Michael A. Sesma, that a Resolution of the City Council Confirming Reappointments to the Arts and Monuments Funding Corporation, Cultural Arts Advisory Board, Environmental Affairs Committee and Gaithersburg Book Festival Ad Hoc Committee, be approved.

Vote: 5-0

B. Resolution of the City Council Confirming an Appointment by the Mayor to the Ethics Commission

This resolution confirmed the appointment of Ian Kessler, 1235 Main Street, Gaithersburg, Maryland 20878, three-year term.

Motion was made by Cathy C. Drzyzgula, seconded by Henry F. Marraffa, Jr., that a Resolution of the City Council Confirming an Appointment by the Mayor to the Ethics Commission, be approved.

Vote: 5-0

VI. OATH OF OFFICE**A. Oath of Office to Ethics Commission Member Ian Kessler**

Mayor Katz administered the Oath to Ian Kessler to execute the office of Ethics Commission, according to the United States and Maryland Constitutions, the Laws of the State and the Gaithersburg City Charter and Code.

VII. PRESENTATIONS**A. Presentation of GREAT Award to Fields Road Elementary School**

Mayor Katz presented the GREAT Award to Principal Kathy Rupp and Art Teacher Ms. Nguyen from Fields Road Elementary School. The City's Education Committee recommended the school for their "Heart House Project." Over \$2,000 was raised by the students for the American Red Cross to support victims of Hurricane Sandy.

VIII. PUBLIC COMMENTS

1. Tom Rowse, 101 Dogwood Drive, spoke on the budget and stated that the previous tax increase was an unnecessary burden on the residents of Gaithersburg and asked that it be lowered. Suggested that the City hire internally for the Assistant City Manager and Human Resources Director vacant positions.

IX. PUBLIC HEARING

- A. **An Ordinance to Amend Chapter 6C of the City Code Entitled "Elections," Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting – Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures – Political Committees", and Section 7 Entitled "Time and Manner of Reporting – Political Committees"**

City Attorney Board presented the above hearing proposing to amend Chapter 6C of the City Code entitled "Elections." Recognized Board of Supervisors of Elections (BOSE) Barbara Fahey in attendance and noted that the amendments were initiated by citizens. The amendments focus primarily on three issues. The proposed ordinance would amend the definition of a Political Committee and add a definition of a Slate. The amendment would revise the current definition of a political committee to increase the number of persons from two (2) or more formed in any manner to three (3) or more. The amendment would increase the amount of money collected or expended from Two Hundred Fifty Dollars (\$250.00) to One Thousand Dollars (\$1,000.00). A Slate would be defined as two (2) or more candidates who join together to conduct and pay for joint campaign activities. For both a Political Committee and a Slate, campaign finance reporting requirements would be treated the same. In addition, the proposed ordinance amends Section 5 Entitled "Time and Manner of Reporting – Candidates" to include an additional campaign finance report due fourteen (14) days after the election. The amendments were discussed by the BOSE at their meetings on January 16, 2013 and February 21, 2013, and recommended. Staff had conducted research in regards to other jurisdictions in the State of Maryland. It was clarified that the dollar limits are not limits to what any individual or any group of individuals can expend either to support or oppose a candidate, but does trigger the reporting requirements under the City Code. A comparison was done for other jurisdictions and the allowable transfers between campaign finance entities. Under the State statute, there is a limit for transfers between candidates which is \$6,000. It was noted that the State statute exempts Slates from that requirement, allowing an unlimited amount to be transferred to a candidate or a candidate to a Slate, no statutory limit on the expenditures. City Attorney Board added that the Maryland Municipal League's research division could not find any Maryland municipalities other than Rockville that regulate Slates.

Staff was directed to clarify the definitions so as not to confuse the public, but to enhance the voting process. It was suggested to provide a summary/guide for voters. Concerns were expressed with the lack of a definition of a Slate and the reporting of expenditures; found to be confusing for both the candidate and citizens. Additionally, in-kind donations and co-mingled funds were also questioned. It was clarified that the State statute regulates Slate by allowing more transferring of monies between candidates and less accountability for said transfer.

Speaker from the public:

1. Tom Rowse, 101 Dogwood Drive, applauded the BOSE for bringing forth the amendments for consideration. In favor of all three proposed amendments. Implied that the incumbents are amending the City Code to meet their own agendas and expressed disappointment with the current Gaithersburg elected officials.

There were no other speakers from the public.

Motion was made by Cathy C. Drzyzgula, seconded by, Jud Ashman, that the record on An Ordinance to Amend Chapter 6C of the City Code Entitled "Elections," Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting – Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures – Political Committees", and Section 7 Entitled "Time and Manner of Reporting – Political Committees", remain open for 11 days, 5 p.m. on March 29, 2013, with anticipated adoption on May 6, 2013.

Vote: 5-0

X. FROM THE MAYOR AND CITY COUNCIL

A. Announcements

- a. Earth Hour Observation and Promotion
- b. Ethics Commission Vacancy
- c. No Work Session
- d. After Closed Executive Session
- e. Animal Control Board Vacancies

Council Member Spiegel

1. Announced that the Mayor and City Council would be honoring Earth Hour. To learn more about Earth Hour, visit www.worldwildlife.org/earthhour. For more information about the City of Gaithersburg's environmental initiatives, visit www.gaithersburgmd.gov/environment.
2. Congratulated Fields Road Elementary and the Green Board for the wonderful work that they are doing.
3. Congratulated everyone involved in the St. Patrick's Day Parade.
4. Apologized for being unable to attend but congratulated and thanked all the winners and participants in the Young Artists Award Concert.
5. Wished everyone Happy Holidays since they won't be having a formal meeting prior to the Passover and Easter holiday.

Council Member Ashman

1. Thanked and congratulated everyone that Council Member Spiegel mentioned earlier.
2. Informed citizens that the Gaithersburg Book Festival is scheduled for

Saturday, May 18th from 10 a.m. to 6 p.m. For more information visit www.gaithersburgbookfestival.org.

3. Reported that the City has been working on the Ethics Legislation in Annapolis. No news to report at this time, but are trying to move forward.
4. Announced that the Mayor and City Council are seeking members to fill one (1) vacancy on the Ethics Commission for one (1) alternate position. For more information visit the City's website at www.gaithersburgmd.gov or contact City Attorney Lynn Board at 301-258-6310.

Council Member Marraffa

1. Congratulated everyone on St. Patrick's Day Parade.
2. Reported that Council Vice President Sesma and Council Member Spiegel joined him at the National League of Cities Conference last week in Washington, D.C. Many of the committees that he is involved with will be lobbying in Congress on a number of things. The main two issues being the immigration reform and taxes for shopping online.

Council Member Drzyzgula

1. Announced that the Mayor and City Council are seeking members to fill three (3) vacancies on the Animal Control Board. One (1) Public at Large position, one (1) Representative of the Montgomery County Veterinary Medical Association and one (1) Alternate Representative of the Montgomery County Veterinary Medical Association. For more information visit the City's website at www.gaithersburgmd.gov or contact Animal Control Director Lisa Holland at 301-258-6343.
2. Informed the citizens that the Mayor and City Council have changed the order of a few items on the agenda. Public appearances and public hearings have been moved closer to the beginning so that citizens interested in participating would not have to wait so long. Encouraged citizens to give feedback on the changes made to the agendas and meetings.
3. Reported that the Montgomery County Board of Elections did vote to reopen polling place at Gaithersburg Elementary School for County Elections. The district would go back to the old designation of 09-01, which was the first precinct in Gaithersburg.
4. Metropolitan Washington Council of Governments Board meeting last Wednesday, the Board decided to endorse the statement against gun violence from the International Association of Police Chiefs.
5. Attended the Young Artists Award Concert and was very impressed by the talent shown.
6. Reported that she was unable to attend the St. Patrick's Day Parade due to her participation at the Clean Water Summit held at the Activity Center at Bohrer Park.
7. Announced that the Mayor and Council received notice that the Maryland Municipal League has sent the City's proposal to transition to online legal notices for the notices that are regulated by State law to interim study.

Council Vice President Sesma

1. Announced that a closed meeting was held at City Hall by the Mayor and City Council on Monday, March 4, 2013, at approximately 8:45 p.m., pursuant to a motion adopted unanimously. The meeting was proposed to be closed pursuant to the State Government Article of the Annotated Code

of Maryland Section 10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. The topics that were discussed were potential litigation. Present at the meeting were Mayor Katz, Council Members Ashman, Drzyzgula, Marraffa, and Spiegel, City Manager Tomasello (left at 9:25 p.m.), City Attorney Board (present for entire session), Director of Planning and Code Administration Schlichting, Planning Director Pruss, and Planner Bowling (all left at 9:10 p.m.). Upon conclusion of the discussion, the closed meeting was adjourned at approximately 9:35 p.m.

2. Thanked the Rosborough Center at Asbury Methodist Village and the Kentlands Community Foundation for sponsoring and partnering with the City for the Young Artists Award Concert.
3. Wished everyone a happy Easter and Passover and to urged all to enjoy the holiday with their families.
4. Reported about the speakers at the National League of Cities (NLC) Conference. Stated that an important issue was the Market Place Fairness Act that is legislation that allows States and local governments the flexibility to collect sales taxes owed to them on remote or online sales and utilize that as general revenue. Stated another important priority is to protect municipal bonds and NLC is asking all member cities to encourage members of Congress to reject proposals to eliminate or limit the tax exemption.

Mayor Katz

1. Requested that the record show the passing of Eric 'Rick' Lomberg who served on the Board of Appeals in the early 1990's. Requested that thoughts and prayers are sent out to his family.
2. Provided notice to the general public stating that the Mayor and City Council of the City of Gaithersburg will not conduct a work session on Monday, March 25, 2013, due to the Passover Holiday. The next regular meeting of the Mayor and Council will be held Tuesday, April 2, 2013, 7:30 p.m. in the City Hall Council Chambers, 31 South Summit Avenue.

XI. FROM THE CITY MANAGER

1. Provided an update on the new website implementation and reported that staff will soon make a selection.
2. Asked staff to provide an update on the status of the new SIRE Meeting Management System. Municipal Clerk Stokes reported that the system would facilitate agenda creation, management of minutes, video indexing, improved video quality and the capability to handle the City's Councils, Boards and Commissions. Staff received training on the system and the submittal and workflow process. Staff began live meeting test using SIRE in January 2013. Tonight, staff launched the new system with the March 18, 2013 Mayor and City Council meeting. Information Technology staff Roderick Smith and Brian Helms elaborated further on the implementation of the project and the many functions, search capabilities, Mayor and City Council meetings and profile pages on the website, agendas, videos, and supporting background material page, available uses with an I Pad, and archived meetings.

XII. ECONOMIC DEVELOPMENT UPDATE**Economic Development Director Loneran**

1. Reported that AstraZeneca (MedImmune's parent company) had announced that Gaithersburg will be one of three global research and development centers. The move will bring 300 new jobs to Gaithersburg. He mentioned that MedImmune will maintain its name.
2. Attended several Economic Development Summits throughout the region which were well attended by business leaders and economic development professionals. The discussions were on transportation.
3. Sponsored a developer's luncheon at the Kentlands Mansion as part of the Frederick Avenue Corridor and Vicinity Study. The luncheon presented an opportunity for 25 attendees to dialogue with Sage Policy Group.
4. Reported that Largent's Bar and Grille will fill the vacant space in the Kentlands once occupied by the 44 Sports Bar & Grill. The new owner is excited about the new venture and will submit a toolbox application that will come before the Mayor and City Council for consideration.

The Mayor and City Council publicly thanked Economic Development Director Loneran, City Manager Tomasello, and the Planning staff for their efforts to bring new businesses to Gaithersburg.

XIII. STAFF GUIDANCE**A. Opportunity Grant Fund Application**

Community Services Division Chief Herndon spoke on behalf of the Community Advisory Committee about a grant fund recommendation for The Dwelling Place. In the FY13 budget, up to \$50,000 was authorized to provide grants to nonprofit organizations for program(s)/service(s) that are new, innovative, and/or address emerging needs or special opportunities for City of Gaithersburg residents. The Committee recommended funding in the amount of \$4,000 to The Dwelling Place transitional housing program for its "Education Creates Opportunity" program. These funds will enable 4 adult participants to obtain needed trainings and certifications that will assist them in pursuing higher level workforce opportunities. Funds will be used for Certified Nursing Assistant classes and certifications, GED classes and a test, renewal of occupational licenses, and for a sign language class.

It was noted that the funds involving these programs are specifically for Gaithersburg residents.

Motion was made by Ryan Spiegel, seconded by Henry F. Marraffa, Jr., that Opportunity Grant Fund Application for The Dwelling Place, be approved.

Vote: 5-0

B. Discussion/Guidance on FY 2014 Capital Improvements Plan (CIP)

City Manager Tomasello joined by Finance and Administration Director Belton, provided a brief overview of the Capital Improvements Plan (CIP) accounts discussed on February 25th, 2013 Mayor and City Council Retreat. Of the 33 CIP accounts, 17 were reviews and four (James Street/Observation Park, Constitution Gardens, design of a public service facility, and the second phase of the existing senior center) were deemed shovel ready and proposed for funding in the FY'14 budget.

The following eight (8) unfunded or underfunded projects in ascending order and their operating budget impact was presented:

#8 City Hall (\$15 - 20 Million - 5 years), recommendation to table and revisit at the end of the current CIP planning cycle of FY'18; continue incremental efficiency, logistic, and cosmetic upgrades and set aside yearly funds. Operating Budget impact is low.

#7 Nike Park (\$5 - 10 Million - 3 years), recommendation to focus on acquisition process and complete other park projects in the interim. Operating Budget impact is moderate-high depending on the use.

#6 Gaithersburg Senior Center (\$7 - 10 Million - 4 years), recommendation to complete the second phase of current renovation plan; re-evaluate operational needs in 2-3 years; and transfer some balance to other projects. Operating Budget impact is high due to additional staffing and occupancy costs and revenue offset will likely be further reduced.

#5 Parking in Olde Towne (\$2.5 - 5 Million - 3 years), recommendation to study parking needs and habits in Olde Towne following the completion of all current projects; continue increment funding. Operating Budget impact is moderate.

#4 Quince Orchard Park/MedImmune (\$500,000 - \$1,000,000 - 2 years), recommendation to make funds available short term; park site and on-street parking projects; fund design in FY'14 and construction in FY'15. Operating Budget impact is low.

#3 Consumer Product Safety Commission (\$5 - 10 million - 3+ years), recommendation to evaluate use of site in context of restrictive covenants; fund analysis of structures immediately in the FY '14 budget; develop a plan for stakeholder involvement in subsequent design; and provide incremental funding aimed at a project near mid-point of this CIP cycle. Operating Budget impact is moderate.

#2 Crown Farm (\$2 - 4 million - 3+ years), recommendation to fund analysis of historic structures immediately in the FY'14 Budget; develop a plan for stakeholder involvement in subsequent design; and provide incremental funding aimed at a project near mid-point of this CIP cycle. Operating Budget impact is moderate.

#1 Gaithersburg Police Station (\$10 - 13 million - 3+ years), recommendation to build on results of current study; fund a comprehensive analysis immediately in the FY'14 Budget; provide incremental funding in FY' 14 and FY'15. Operating Budget

impact is moderate.

In conclusion, Mr. Tomasello reported on the available funds and options for CIP projects and reviewed the timeline for the budget process from April 2 through June 3, 2013. The public was encouraged to provide input on the City's FY '14 Budget.

XIV. FROM THE CITY ATTORNEY / OTHER STAFF

No report.

XV. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 9:05 p.m.